

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 11 - 20 are pending in the application. Claims 11 - 20 currently stand rejected.

By the present amendment, claims 11, 14, 16, and 18 have been amended; and claims 21 and 22 have been added to the application.

In the office action mailed December 1, 2009, claims 11 - 17 and 19 - 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,400,414 to Thiele; and claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Thiele in view of U.S. Patent No. 4,998,283 to Nishida et al.

The foregoing rejections are traversed by the instant response.

Claim 11, the sole independent claim in the application, is directed to a system for the projection of cinematographic works or digital works with sound with at least one sound channel, comprising: a cinema projection room having a back wall; a screen spaced from said back wall; a plate of sound-absorptive material disposed between the wall and the screen; at least one sound channel comprising at least one woofer and at least one medium/treble speaker; the screen being a non-perforated screen; the at least one medium/treble speaker comprising a flat sound transducer placed against the screen to a rear thereof in relation to a direction of projection; and an extreme treble speaker being disposed on a periphery of the screen.

The Thiele patent is directed to a loudspeaker for a television display. Claim 11 concerns a system for the projection of digital cinematographic works with sound, whose problems are clearly different from the ones encountered by television screens. According to the specification of the instant application, the woofer is able to produce sounds with a frequency that is lower than around 500 Hz, the medium/treble speaker is able to produce sounds in a range of around 500 Hz to 4 kHz and the extreme treble speaker is able to produce sounds with a frequency that is higher than around 4 kHz. Thiele only discloses a system including a bass loudspeaker, a mid-range loudspeaker, and a tweeter. A mid-range loudspeaker and a tweeter cannot be considered as a medium/treble speaker and an extreme treble speaker, because the frequencies are not the same for the types of loudspeaker that were previously named. Thiele is silent towards the frequencies of the high and low frequency tones that are reproduced by the speakers.

Therefore, the skilled person in the art, starting from Thiele and trying to improve accuracy, would not have found any incentive or motivation to transform the mid-range loudspeaker and the tweeter respectively into a medium/treble speaker and an extreme treble speaker. Again, the problems encountered by Thiele and those encountered by Applicant are quite different. As a consequence, the skilled person in the art would not have used the teaching of Thiele and modify it to obtain the subject matter of claim 11.

The medium/treble speaker of claim 11 is a flat sound transducer placed against the screen to the rear thereof in relation to the direction of projection. If one considers that the mid-range loudspeaker may be a medium/treble speaker, there is no disclosure in Thiele where the speaker is towards the

screen. Indeed, it may be behind the screen but not affixed to it (col. 4, l. 11- 12 of Thiele), or affixed to the screen but not behind (claim 3 of Thiele), or contained in the screen but not behind and at the end of it (claim 7 of Thiele). Therefore, Thiele does not teach one to place a medium/treble speaker against the screen to the rear thereof in relation to the direction of projection. The skilled person in the art, starting from Thiele and searching for a better accuracy of the system, would not have found any motivation to combine a disposition of the speaker against the screen and a disposition of the speaker to the rear thereof in relation to the direction of projection. As a consequence, the skilled person in the art would not have used the teachings of Thiele and modify it to obtain the subject matter of claim 11.

Still further, Thiele is not directed to a cinema projection room having a non-perforated screen and at least one sound channel. Because it is directed to a television system and not a movie theater type system, Thiele does not disclose a plate of sound-absorptive material disposed between a back wall of the room and the screen. Further, Thiele does not disclose the use of a non-perforated screen. For these reasons, Thiele does not teach or render obvious the invention being claimed in amended claim 11.

Still further, with regard to the official notice taken by the Examiner, there still remains several problems. The Examiner, despite Applicant's request, has not come forth with a reference which discloses that when a screen is used as a sound radiating surface, one would use a non-perforated screen. As noted in Applicant's earlier response, mere placement of flat mid-range speaker on the surface of the screen and the use of a screen as a loudspeaker would not cause one to use a non-

perforated screen. There is no link between the two in the prior art systems which would cause one of skill in the art to understand that a non-perforated screen was desirable and which would cause one to modify Thiele to include a non-perforated screen. Having made such a traversal, the Examiner is supposed to provide documentary evidence. MPEP 2144.03C. With respect to the Liebacher patent cited by the Examiner, U.S.P. 3,553,392, it is directed to a movie screen formed from an 8 inch foam panel having open or closed pores. There is no disclosure in col. 3, lines 64 - 71 that the screen formed from this panel is a non-perforate screen. This section of the patent merely discusses that the light reflectivity is increased by this type of screen and that sound transmission is not affected by a partially closed screen. This reference in the cited portion does not support the proposition that placement of flat mid-range speaker on the screen and the use of a screen as a loudspeaker would not cause one to use a non-perforated screen because it does not disclose placing the flat mid-range speaker on the screen and thus, the citation by the Examiner has no evidentiary value.

Assuming *arguendo* that the Liebacher patent supports such a contention, the Examiner has provided no reason why one of ordinary skill in the art would modify Thiele in light of Liebacher's teachings. The Examiner provides only a conclusory statement on the issue of obviousness. Conclusory statements are insufficient to make a *prima facie* case of obviousness. See *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006); also see MPEP 2142. the Examiner has not provided any articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* On this issue, Liebacher teaches using an 8 inch foam panel as a movie screen. One of ordinary skill in

the art is not going to use an 8" foam panel for a TV screen. TV screens are not that thick. It is well known that TV screens are made of glass. The examiner has not explained why one of ordinary skill in the art would substitute a foam panel for glass.

For these many reasons, the subject matter of claim 11 is not rendered obvious by Thiele by itself or in combination with a reference such as Liebacher. Claim 11 as presented herein is allowable.

Claims 12 - 17 and 19 - 20 are allowable for the same reasons as claim 11 as well as on their own accord.

With regard to the rejection of claim 18, this claim is allowable for the same reasons as claim 11. The secondary reference to Nishida et al. does not cure the aforesaid deficiencies of Thiele.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

A request for a three month extension of time is enclosed. The Director is hereby authorized to charge the two month extension of time fee in the amount of \$1,110.00 to Deposit Account No. 02-0184.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to said Deposit Account No. 02-0184.

Respectfully submitted,

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